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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/606,700		06/26/2003	Chang-Hsing Liang	8024-004-US 5029		
32301	7590	09/17/2004		EXAMINER		
		GROUP, APC	PESELEV, ELLI			
SAN DIEGO		LAGE DRIVE SUITI 2122	3 220	ART UNIT	PAPER NUMBER	
				1623	1623	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary Diffice Action Summary Elli Peselev Elli		Application No.	Applicant(s)					
Period for Reply 1623 16		10/606,700	LIANG ET AL.					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION State-tions of time may be assigned in order the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filled - If the period for reply appelled above is less than thirty (30) days, a reply within the saludory minimum of the (7) (20) days will be considered timely) If NO period for reply a specified above, the maximum statedury period at lapsy and will explose (8) (A)CHTS from the mailing date of this communication, revenit filled by the specified value of the replace of the replace of the replace of the replace of the communication, even if limely filled, may reduce any earned patient term adjustment. Set 37 CFR 1.704(b) after the realing date of this communication, even if limely filled, may reduce any earned patient term adjustment. Set 37 CFR 1.704(b) after the realing date of this communication, even if limely filled, may reduce any earned patient term adjustment. Set 37 CFR 1.704(b) after the realing date of this communication, even if limely filled, may reduce any earned patient term adjustment. Set 37 CFR 1.704(b) after the realing date of this communication, even if limely filled, may reduce any earned patient term adjustment. Set 37 CFR 1.704(b). This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Office Action Summary	Examiner	Art Unit					
A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estimations of librar may be available under for princisions of 3 CPR 1.38(a). In no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of this communication. If the princip of protey is specified above, the manifest rive (30) days will be considered timely. If the princip of protey is specified above, the manifest rive (30) days and the considered timely. Proposition of the protection of the princip of the princip of the date of the communication to become Manifest from the emailing date of this communication. The princip of the princip of the communication of the princip of the pr								
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2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are epiected. 7 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 8 Claim(s) is/are objected to by the Examiner. 10 The grawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). See the attached detailed Office action for a list of the certified copies not received. 1 Interview Summary (PTO-413) Paper No(5)/Mail Date. Paper No(5)/Mai	1) Responsive to communication(s) filed on	•						
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3) Linformation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 	Paper No(s)/Mail Dat 5) Notice of Informal Pa	e´.					

Application/Control Number: 10/606,700

Art Unit: 1623

Restriction to one of the following inventions is required under 35 U.S.C. 121:

 Claims 1, 2 and 5-8, drawn to aminoglycosides, classified in class 536, subclass 17.2.

II. Claims 3-4, drawn to cyclohexyl derivatives, classified in class 564, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as insecticide and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 9.00-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ELLI PESELEV
PRIMARY EXAMINER
GROUP 1800

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